

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KIM MARIE DIESEL, *individually and
on behalf of all others similarly situated,*

Plaintiff,

VS.

Case No. 4:22-cv-00892-MTS

THE PROCTER & GAMBLE COMPANY,
et al.,

Defendants.

MEMORANDUM AND ORDER

This case is before the Court on review of the file. Plaintiff has not filed proof of service of Defendants “DOES 1 through 10.” Pursuant to Federal Rule of Civil Procedure 4(m), if a defendant is not served within ninety days after the complaint is filed, the Court “must dismiss the action without prejudice against that defendant” or “order that service be made within a specified time.” Fed. R. Civ. P. 4(m). In cases removed to federal court, the ninety-day period under Rule 4(m) begins to run on the date of removal, not the date the plaintiff filed the petition in state court. *Taylor v. Clark Equip. Co.*, 4:22-cv-00201-SRC, 2022 WL 1640372, at *6 (E.D. Mo. May 24, 2022) (collecting cases). Defendant The Procter & Gamble Company removed this case more than ninety days ago. Since service to Defendants “DOES 1 through 10” has not been completed, the Court will order that service be made within a specified time.

Accordingly,

IT IS HEREBY ORDERED that, no later than **Thursday, December 08, 2022**, Plaintiff must serve all unserved Defendants and file proof of such service. The failure to file proof of service of the remaining Defendants by **Thursday, December 08, 2022**, will result in dismissal of

the action against those Defendants without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

Dated this 30th day of November, 2022.

A handwritten signature in black ink, appearing to read 'MTS', is written over a horizontal line.

MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE